

// A special meeting of the Council of the City of Lynchburg, recessed from November 11, was held on the 25th day of November, 2003, at 1:00 P.M., in the Second Floor Training Room, City Hall, Bert Dodson, Jr., Vice President, presiding. The purpose of the meeting was to conduct a work session regarding several items. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert 6

Absent: Hutcherson 1

// Mayor Hutcherson arrived at 1:10 p.m. during agenda item #1.

// City Manager Kimball Payne presented a final draft of a City of Lynchburg Compensation Philosophy. Mr. Payne explained that the draft Compensation Philosophy was broadly distributed throughout the organization for employees review and/or input and that it is now being presented to City Council for adoption. On motion of Council Member Adams, seconded by Council Member Barksdale, Council by the following recorded vote adopted the City of Lynchburg Compensation Philosophy as presented:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In compliance with City Council's direction provided during its annual retreat, City Manager Kimball Payne provided an overview regarding a Pay Proposal to address compensation issues that have led to high turnover and difficult recruitment within the Police Department. Mr. Payne explained that the salary/benefit increases for the sworn officers would have an annual cost of \$800,000 and that \$475,000 would be needed in the current fiscal year for those increases to become effective on January 1, 2004. Mr. Payne also noted that the Proposal would allow the Police Department to raise the salary ranges for all ranks closer to market level, while correcting problems of compression in the department. Mr. Payne went on to say that plans are to apply a similar methodology to Lyn COM and the other civilian positions in the Police Department to become effective on January 1, 2004, at an additional cost of \$150,000 per year.

Mr. Payne stated that the Police Department would be used to pilot a new citywide pay philosophy that bases future salary increases on performance. Mr. Payne also noted that the Proposal does not address all of the City's public safety employees and that those other public safety employees are watching to see what action is taken in this regard. Mr. Payne went on to say that there are other City departments that have turnover, recruitment and compression issues and that those needs will have to be examined in the future. Following discussion, and on motion of Vice Mayor Dodson, seconded by Council Member Seiffert, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-190, as presented, amending the FY2004 Budget and appropriating \$475,000 for the purpose of adjusting salaries in the Police Department effective January 1, 2004:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// City Manager Kimball Payne along with Solid Waste Director David Owen presented information in response to an earlier request from City Council regarding possible changes in the previously approved solid waste fee and implementation schedule. Mr. Owen explained that the \$5 monthly solid waste fee

would produce revenues to fully fund the deficit in residential solid waste services, stabilize the Solid Waste Management Fund, reduce the need to rely on transfers from the General Fund, and provide surplus revenues to pay down landfill debt. Vice Mayor Dodson suggested reducing the fee to \$4 per month and to cover any deficit by increasing the General Fund subsidy to the Solid Waste Fund. Council Member Garber stated that with the recent increases, including the real estate assessments, that it would be an insult to the citizens to reduce the \$5 fee by only \$1. Council Member Seiffert stated that although he did not vote for the new system, the City still has to pay for the system. Both he and Council Member Adams also stated that the \$5 fee would allow for everyone to pay for the system. Council Member Adams made a motion to leave the solid waste fee at \$5. The motion died for lack of a second. Vice Mayor Dodson made a motion, seconded by Council Member Barksdale, to reduce the solid waste fee from \$5 to \$4. In response to Council Member Foster's question, Mr. Owen stated that a fee of \$4.22 would be needed to pay for the cost of the service. Also, Billings and Collections Administrator Donna Witt stated that the \$5 fee was based on an assumption of 18,500 households and that until the system is put in place the 18,500 figure could be off by as much as 1,000 households. Vice Mayor Dodson amended his motion to reduce the solid waste fee from \$5 to \$4.25. Council Member Barksdale agreed to the amendment to the motion. The vote was called on the amended motion, and Council by the following recorded vote defeated the motion:

Ayes: Barksdale, Dodson, Hutcherson

3

Noes: Adams, Foster, Garber, Seiffert

4

Vice Mayor Dodson made a motion, seconded by Council Member Barksdale, to reduce the solid waste fee from \$5 to \$4.20, and Council by the following recorded vote defeated the motion:

Ayes: Barksdale, Dodson, Hutcherson

3

Noes: Adams, Foster, Garber, Seiffert

4

Council Member Adams made a motion, seconded by Council Member Garber, to leave the solid waste fee at \$5, and Council by the following recorded vote approved the motion:

Ayes: Adams, Foster, Garber, Seiffert

4

Noes: Barksdale, Dodson, Hutcherson

3

// Solid Waste Director David Owen explained that Mr. Randy Calloway has requested that the City lower the landfill disposal rate from \$48 per ton to \$35 per ton for small trash haulers. Mr. Randy Calloway stated that he has been hauling household garbage from local apartment complexes since 1996 and he does not think it is fair that he has to pay \$48 per ton while the four largest waste haulers only pay \$35 per ton. Mr. Calloway went on to say that he feels like he is being penalized because he is a small business owner. City Council discussed various methods of responding to this request, including ways to distinguish trash haulers from general contractors and other businesses that dump waste frequently. In response to questioning, Mr. Owen explained that a waste hauler is not required to obtain a business license and that the easiest way to differentiate between professional haulers and other landfill customers would be to set a tonnage limit. Mr. Owen went on to say that the rates could be adjusted each fiscal year

based on how much a business or individual hauled the year before and that a new rate could begin January 1 based on the amount of waste hauled during the 2002 fiscal year. Council Member Adams stated that he is concerned that adjusting the tipping fee based on the amount of tonnage will open the door to a whole lot more people receiving the break at the expense of everyone else who uses the landfill.

Following discussion, Council Member Barksdale made a motion, seconded by Mayor Hutcherson, to give anyone who hauls 150 tons or more to the landfill each year the same \$35 per ton discount rate as large haulers, and Council by the following recorded vote approved the motion:

Ayes: Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson

6

Noes: Adams

1

// Municipal staff along with Wayne Dahlgren, representing the Lynchburg Historical Foundation, provided an update regarding the progress on the renovation of the Cabell Dependency house at 405 Cabell Street. City Council was informed that it is anticipated that funds needed to complete the project will be raised by the Foundation through grants and donations.

// City Manager Kimball Payne explained that the VACO/VFC video would not be shown due to problems with the VCR equipment. Mr. Payne explained that the video was to be shown on the City's government channel and contained a couple of short spots to encourage greater discussion and focus regarding the need to address fiscal issues. Mr. Payne went on to say that he is not sure that the video will be shown at this time.

// Deputy City Manager Bonnie Svrcek stated that the City Council Action Items matrix has been revised based on comments provided by City Council at the October work session. Ms. Svrcek explained that items previously recommended for deletion were not included and that indicators of success have been included following each goal statement. Ms. Svrcek went on to say that the matrix will be used as a starting point for the work of the eight Results-Oriented Government Groups.

// During roll call, Council Member Foster stated that she would like to receive a report at a future work session regarding what is available in the City to address the needs of the handicapped, in addition to an update regarding the soccer complex. Vice Mayor Dodson inquired regarding reports of refuse collectors not utilizing the semi-automated trucks when emptying trash carts. City Manager Kimball Payne stated that refuse collectors are to utilize the semi-automated trucks for emptying heavy trash carts, but that they are allowed to remove a bag from the cart if it does not weigh very much. In response to questioning by Council Member Adams, City Manager Payne stated that Andy Reeder is working with the property owner regarding repair of a footbridge damaged by the spring floods along the Blackwater Creek Trail near Thomson Drive. Council Member Adams also inquired as to when Hollins Mill Road would be reopened. In response to questioning by Mayor Hutcherson, City Manager Payne stated that the construction along 9th Street would be moving between Main and Church Streets by the end of next week. Mayor Hutcherson also informed that he has asked VPI Extension Agent Don Davis to work with the Police Department to see if there are things that can be done to make the areas around a person's home safer. Mayor

Hutcherson also mentioned that he has asked Mr. Davis to also meet with Albert Jennings regarding the safe neighborhoods program.

// On motion of Council Member Adams seconded by Council Member Barksdale, Council by the following seconded vote elected to hold a closed meeting to discuss the disposition of publicly held real property because discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City pursuant to Section 2.2-3711(A)(3), of the Code of Virginia, as amended:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson

7

Noes:

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// The meeting was re-opened to the public.

// Vice Mayor Dodson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Barksdale, and Council by the following recorded vote adopted the motion:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson

7

Noes:

0

// The meeting was adjourned at 4:54 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 25th day of November, 2003, at 5:00 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Council Member Adams gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Absent: 0

// Copies of the minutes of the November 11, 2003 meeting, having been previously furnished Council, reading was dispensed with. Council Members Barksdale and Seiffert stated that they would abstain since they were not present at the November 11 meeting. On motion of Council Member Adams, seconded by Vice Mayor Dodson, Council by the following recorded vote approved the minutes as presented:

Ayes: Adams, Dodson, Foster, Garber, Hutcherson 5

Noes: 0

Abstention: Barksdale, Seiffert 2

// In the matter of Treasurer, Resolution #R-03-178 appropriating \$3,152 for overpayment to the City by the State Treasurer's Office of the City's share of the Sheriff Department fees, laid over from the November 11, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Commissioner of the Revenue, Resolution #R-03-179 appropriating \$9,013 to refund overpayment of business license taxes for 2001 and 2002 to Hill City Wholesale Company, Inc., with \$5,538 of that refund being applied to Hill City Wholesale Company's underreported 2000 business license, laid over from the November 11, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Commissioner of the Revenue, Resolution #R-03-180 appropriating \$155,883 to refund overpayment of business license taxes for 2000, 2001, 2002 and 2003 to Xpedex, laid over from the November 11, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Airport - General, Resolution #R-03-181 amending the FY 2004 Airport Operating Fund Budget and appropriating \$71,442, fully reimbursable from the Transportation Security Administration, for Airport law enforcement personnel, laid over from the November 11, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning - General, Resolution #R-03-182 amending the City/Federal/State Aid Projects Fund FY 2004 Budget and appropriating \$79,250, with \$39,625 from the Virginia Department of Conservation and Recreation for the Chesapeake Bay Watershed Grant, for the development of two low-impact parking areas adjacent to the proposed skate park and the N&W Depot building on the Riverfront, laid over from the November 11, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Property, Resolution #R-03-186 approving the sale of City-owned property at 1100 Church Street to Jon Hyatt Cesafsky for \$5,000, laid over from the November 11, 2003 meeting, was again presented and read, and on motion of Vice Mayor Dodson, seconded by Council Member Barksdale, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// Special Agent Donald Thompson, in charge of the Federal Bureau of Investigations (FBI) Richmond Office, presented Mr. Aubrey Barbour, who works with the City's Parks & Recreation Department and who is President of the Tinbridge Hill Neighborhood Council, with the FBI Director's Community Leadership Award, a statewide award that recognizes citizens who contribute to crime awareness and prevention.

// In the matter of Academy of Music/Fine Arts, Mr. Jeff Scruggs along with Debora Embrey asked that City Council delay voting on the \$1.2 million for support of the capital construction of the Academy of Fine Arts to allow time for a group of local artists and thespians to meet with Academy officials and learn more about the future of the Thompson Drive facility and the impact that the move will have on current programs. Ms. Embrey also stated that the Thomson Drive facility should be saved for its historic value and expressed concern that the studio theater planned for the new downtown facility will be the Academy's only performance venue until the main Academy of Music theater is renovated, which isn't expected to happen until 2006.

// In the matter of Sheriff, City Council Report #9 was considered. City Manager Kimball Payne outlined the request. On motion of Vice Mayor Dodson, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-03-191, as presented, approving the participation of the

Blue Ridge Regional Jail Authority (BRRJA) Administrator and sworn officers in the LEOS retirement benefit offered through the Virginia Retirement System:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of City Code, City Council Report #10 was considered. City Attorney Walter Erwin outlined the request. On motion of Council Member Adams, seconded by Council Member Barksdale, Council by the following recorded vote adopted Ordinance #0-03-192, as presented, amending the City Code relating to the powers of the City's Animal Wardens, cruelty to animals and dangerous and vicious dogs:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Academy of Music/fine Arts, Resolution #R-03-173 amending the Fiscal Year 2004 General Fund Budget in the amount of \$1.2 million, with revenues from the undesignated Fund Balance, and with the same amount appropriated to the Capital Projects Fund to be used to support the capital construction of the Academy of Fine Arts, laid over from the October 28, 2003 meeting, was again presented and read. At the request of City Council, Mr. Michael Gillette, President of the Academy of Fine Arts Board of Trustees, responded to concerns expressed earlier in the meeting by Mr. Scruggs and Ms. Embrey. Mr. Gillette stated that they have already had one meeting with the group and plan to meet again with them on December 2 to answer questions regarding the Academy move to the downtown facility. Mr. Gillette went on to say that the Academy plans to make its move without disrupting programming, even if that means using other facilities. Council Member Seiffert stated that the \$900,000 the City has already contributed to the Academy over the years was enough public support, and that he would have supported giving the money if the Academy had agreed to forego local rehabilitation tax credits. On motion of Vice Mayor Dodson, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Hutcherson 5

Noes: Garber, Seiffert 2

// The meeting was recessed at 5:52 P.M. to 6:00 P.M. to meet with the School Board regarding several topics.

Clerk of Council

// A special meeting of the Council of the City of Lynchburg, recessed from its earlier 5:00 p.m. meeting, was held on the 25th day of November, 2003, at 6:00 P.M., School Administration Building, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was to conduct a joint meeting with the Lynchburg School Board regarding several items. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Hutcherson 6

Absent: Seiffert 1

// School Board Chair Lyle Schweitzer and Mayor Carl B. Hutcherson, Jr., welcomed everyone to the meeting. City Council and School Board members discussed a variety of topics, i.e., the plans/scheduling for the City's first traditional school, the internal audit process being put in place in the School System, school safety, compensation for coaches when the team plays beyond the normal season, and ongoing renovations at E. C. Glass High School. Vice Mayor Dodson also suggested forming a City/Schools Committee to investigate common services and staff functions.

// The meeting was recessed at 7:40 p.m. to December 3, 7:30 a.m., School Administration Building, for a joint City Council/School Board meeting with area legislators regarding the City and Schools 2004 Legislative Agendas.

Clerk of Council

// A special meeting of the Council of the City of Lynchburg, recessed from November 25, was held on the 3rd day of December, 2003, at 7:30 A.M., at the School Administration Building, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was for the City Council and School Board to present the City's and Schools' 2003 Legislative Priorities to area legislators. The following Members were present:

Present: Adams, Barksdale, Foster, Garber, Seiffert, Hutcherson 6

Absent: Dodson 1

// Vice Mayor Dodson arrived at 7:55 a.m.

// Mayor Hutcherson along with School Board Chair Lyle Schweitzer welcomed Senator Stephen Newman and Delegate Preston Bryant to the meeting. Discussion focused on items in the legislative agendas, i.e., Standards of Quality, timing of teacher salary increases, special education funding, parental involvement, school calendar, continued state support of funding for the combined sewer overflow program, and the inadequate funding for education resulting in increased costs for the City and local taxpayers. City Manager Kimball Payne wanted to know how Senator Newman and Delegate Bryant felt about Governor Mark Warner's recent proposals for restructuring the state's tax system, and the legislators were divided on whether tax reform is an acceptable way to new revenues into state government.

// The meeting was recessed at 9:00 a.m. to December 16 at 1:00 p.m. to conduct a work session regarding several items.

Clerk of Council